

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 88 of 2017

- Ajit Singh S/o Singeshwar, Aged About 40 Years R/o Supela, West Bhilai, Police Station- Supela, District- Durg Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh S/o Through- Station House Officer, Police Station- Supela, District- Durg Chhattisgarh.

---- Respondent

For Applicant : Mrs. Fouzia Mirza, Advocate

For Respondent/State : Mr. Avinash Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-01-2017

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 28-09-2016 in connection with Crime No. 865 of 2016 registered at Police Station Supela, District Durg (CG) for the offence punishable under Sections 366, 376 (2)(g), 120-B, 506 of the IPC and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per prosecution case, a report was made by the victim on 20-9-2016 that initially she met the present applicant while travelling in a Bus and in order to expand her business of health management she subsequently met the present applicant Ajit Singh and other co-accused who were introduced by Lal Bahadur Verma and thereafter she came close to present applicant. When she went to Jagadalpur for business alongwith the present applicant, on the pretext of marriage, the applicant committed forcible sexual intercourse with her. Subsequently, present applicant called her for performing marriage and thereafter she was subjected to forcible sexual intercourse by other co-accused persons and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case and prosecutrix was a consenting party. The case of the present applicant is similar to that of other co-accused persons who have been enlarged on bail vide order dated 16-1-2017 and 17-1-2017 passed by this Court in M.Cr.C.Nos.8604 of 2016 and 8419 of 2016, therefore, present applicant may also be released on bail on the ground of parity.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the prosecutrix. The main allegation of forcible sexual intercourse with the prosecutrix on the pretext of marriage is against the present applicant. It is stated that the victim went along with the present applicant to Jagdalpur where she was subjected to forcible sexual intercourse. Thus, the case of the present applicant is different from other co-accused persons who have been enlarged on bail.
7. Taking into consideration all the facts and circumstances of the case, considering the statement of the prosecutrix and further considering main allegation of forcible sexual intercourse on the pretext of marriage which is attributed to the present applicant, I am not inclined to release the applicant on bail.
8. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge